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A U T H E N T I C K
P A P E R S,

Concerning a late Remarkable

T R A N S A C T I O N.



L O N D O N :

Printed for J O H N J O N E S. 1746.

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Copies of Letters between Capt. *Kn--l-s*
and the Officers of the *Bank*,
and Others.

Copy of a Letter from Merewether and Manning, Agents at Jamaica, to the Governor and Company of the Bank of England.

Kingston in Jamaica, June 2, 1740.

Honoured Sirs,

WE are directed by *E----d V-rn-n*, Esq;
Vice-Admiral of the Blue, and Com-
mander in Chief of His Majesty's
Ships and Vessels in the *West-Indies*, to ship
to your Consignment, Freight-free, on the
Diamond Man of War, Capt. *Ch---s Kn--l-s*,
the neat Proceeds of Money taken by him as
Prize, to remain under your Care till His
Majesty's Royal Pleasure shall be known for
the Distribution thereof. Pursuant to these
Orders, we send you the Inclosed Bill of
Lading and Invoice for Fifty Bags of small
Spanish Silver, and Fifteen Bags in Pieces of
Eight, amounting in the whole to Nineteen
A 2 Thousand

Thousand Six Hundred Sixty Nine Pounds,
Three Shillings, which we wish safe to you.
We are,

Honoured Sirs,

Your obedient humble Servants,

John Merewether,
Edward Manning.

*To the Honourable the Governor and
Company of the Bank of England.*

*Copy of Captain Ch----s Kn--l-s's Bill of
Lading.*

N^o 1. a 50 is
Fifty Bags of
small *Spanish*
coined Silver.

N^o 1. a 15 is
Fifteen Bags
in Pieces of
Eight, *Spanish*
Coin.

SHIP'D in good Order and well-conditioned, by *Merewether, Manning, and Tickell*, in and upon His Majesty's Ship called the *Diamond*, whereof is Master (under God) for this present Voyage Capt. *Ch----s Kn--l-s*, and now riding at Anchor in the Harbour of *Port-Royal*, and by God's Grace bound for *London*, to say, Fifty Bags, containing Forty One Thousand Eight Hundred and Eighty Six Ounces, *Troy* Weight, in small *Spanish* coin'd Silver; and Fifteen Bags, containing Fourteen Thousand and Nine Hundred and Twelve Pieces of Eight, *Spanish* Coin, on Account and Risque of His *Britannick* Majesty, being marked and numbred as in the Margent, and are to be delivered in the like good

good Order and well-condition'd, at the afore-
 said Port of *London* (the Danger of the Seas
 only excepted) unto the Governors and Com-
 pany of the *Bank of England*, Freight-free,
 with Primage and Average accustomed. In
 Witness whereof the Master or Purser of the
 said Ship have affirmed to Four Bills of
 Lading, all of this Tenor and Date, the one
 of which four Bills being accomplished, the
 other Three to stand void; and so God send
 the good Ship to her desired Port in Safety,
Amen. Dated in *Kingston in Jamaica*, May 31,
 1740.

Ch---s Kn--l-s.

*Copy of Capt. Ch----s Kn---l-s's Letter to the
 Governor and Directors of the Bank of
 England.*

Gentlemen,

I HAVING been so hurry'd in my Jour-
 nies back and forwards from *Portsmouth*
 to *London*, and other Affairs since I come
 home, that I've not been able to get time to
 sett down to write to acquaint you, that I
 brought home in His Majesty's Ship under
 my Command the Mony for two Prizes I
 took in the *West-Indies*, which the Agents for
 myself and Ship's Company (*Messieurs Mere-*
wether and Manning) have sent home to be

A 3

lodg'd

lodg'd in the *Bank* till His Majesty's most gracious Intentions shall be known for the Distribution thereof; which I am to desire you'll send for down to *Portsmouth*, to the Commissioners of the *Dock-Yard*, where I shall lodge it; and at the same time send such Bills for it as shall be sufficient Security for me and the rest of the Captors; and whatever Expences attends the Conveyance up, you'll please to deduct out of the whole. I am,

Gentlemen,

Your most obedient

humble Servant,

Ch----s Kn--l-s.

To the Honourable the Governor and
Directors of the Bank of England.

11th August, 1740, the Bank received the above
Letter without a Date.

Copy of Benjamin Pewtress's Letter to the Governor and Directors of the Bank of England.

Honourable Gentlemen,

IN Obedience to your Orders, and Captain Kn--l-s's Request, I waited on him to acquaint him I was come for the Treasure which was consigned to your Honours; he gives me for Answer, That the Bill of Lading was

was only matter of Form to make himself responsible to the rest of the Captors, the Agents, *Manning and Co.* being appointed by him and the rest of the Captors, and revocable at their Pleasure; but if you'll please to give me Orders to sign a Receipt to deliver it to him and the rest of the Captors, he is then willing to send the Cash to you, if not, he thinks it is as safe in his Hands. I shall wait your further Directions, and am, with due Respects,

Honourable Gentlemen,

Your most obedient

Portsmouth,
Aug. 16, 1740.

humble Servant,

Benj. Pewtreffs.

*To the Honourable the Governor and
Directors of the Bank of England.*

N. B. The Silver was sent to *London* before *Pewtreffs* set out for *Portsmouth*, 17030 Ounces thereof being sold to *Blackford and Co.* on the 16th of *August*, 1740, at 5s. 6d. per Ounce.

Copy of Nathaniel Green's Letter to Benjamin Pewtrefs.

London, Aug. 18, 1740.

Mr. Pewtrefs,

THE Governor and Directors are very much surprized at the Captain's extraordinary Behaviour, in refusing to comply with the Bill of Lading, and on the Receipt of your Letter immediately dispatched me to Sir *Cha. W-g-r*, who has promised to write to the Captain this Night, to whose Direction it is supposed he will conform.

Our Gentlemen expect to hear from you on the Return of the Post, and think the Captain will give no further Trouble when he hears from Sir *Cha. W-g-r*.

Yours,

Nath. Green.

Copy of Benjamin Pewtrefs's Letter to Nathaniel Green.

S I R,

I AM favour'd with yours, and have waited on Captain *Kn--l-s* to learn if he has received a Letter from Sir *Ch---s*, as you inform me that Sir *Ch---s* was to write to him; the

the Post is come in, and the Letters are delivered, and the Captain says that he has not received any: He is very warm, and is not inclinable to part with the Possession of the Whole, but insists, and is determined upon detaining his own Part or Share, which is Two-Eighths of it. He seems to be willing to deliver the Remainder, but as he doth not comply with the Bill of Lading, I cannot determine how to act till I have the Direction of the Honourable the Governor and Directors; therefore desire you'll please to acquaint them of it immediately, that I may not stay here longer than necessary at an extravagant Expence; from

Your humble Servant,

Portsmouth,
Aug. 20, 1740.

Benj. Pewtreffs.

To Mr. Green.

Copy of Nathaniel Green's Letter to Benjamin Pewtreffs.

S I R,

I Receiv'd the 20th, on which I have been with Sir *Charles W-g-r* and Sir *Robert W-lp-le*, who say the Captain has no Right to keep back any Part; and Sir *Charles* says he has wrote about it. The Governor and Deputy desire, that on *Sunday*, on the coming away

away of the Post, you would know the Captain's last Resolutions, and send Word. I am

Your humble Servant,

Bank,

Aug. 22, 1740.

N. Green.

To Mr. Benjamin Pewtreffs at Portsmouth.

*Copy of Benjamin Pewtreffs's Letter to
Nathaniel Green.*

S I R,

PLEASE to acquaint the Honourable Governor and Co. that this Day Captain *Kn--l-s* told me he had received the Honourable Sir *Ch---s W-g-r's* Letter, and that he had wrote an Answer thereto, but should answer no more; also gave me for Answer, under his own Hand as follows: " Captain *Kn--l-s* gives for Answer, That he thinks " it but Justice that on his Delivering up the " Eleven Chests of Mony taken by him and " his Ship's Crew, he should have a Receipt " for it, or his Bill of Lading given up, as " his Ship's Company reposed a Trust in him, " for their Shares (let it be what it will) " when His Majesty shall order a Distribution." I, in Answer to him, said there was Sixteen Chests; he reply'd, no body knew what there was but himself. I told him further of the Nature of a Bill of Lading, that it was as sacred as any Bond, &c. and was surprized

surprized that he should make any Hesitation about the Delivery; or why should he send a Letter to the *Bank* to send a Person down to receive the Mony, if he did not intend to deliver it? (I believe he has some bad Counsellors.) I don't think it will signify any thing for me to stay any longer, seeing he is determined not to deliver the whole Mony. If their Excellencies, the Lords Regents, will do nothing in the Affair, I am sure I cannot. I shall wait till the Post comes in this Night, and if I have no further Directions in putting the Bill of Lading in Execution, shall set forward for *London*. Pray give my Duty to the Governor and Directors, from

Your humble Servant,

Portsmouth,
Aug. 22, 1740.

B. Pewtreffs.

To Nath. Green at the Bank.

*Copy of Captain Ch----s Kn--l-s's Letter to
Messieurs Blachford and Woodward.*

S I R S,

I DESIRE you'll deliver to the *Bank* of *England* the Eleven Chests of *Spanish* Silver I sent up to be lodg'd in your House, till His Majesty's Pleasure should have been known in regard to the distributing it amongst
the

the Captors; but as the Lords Justices will have it lodg'd in the *Bank*, your delivering it into them will be your Discharge from,

S I R S,

Your most humble Servant,

Ch---s Kn--l-s.

*To Messieurs Blachford and Woodward,
Bankers, in Silver-Street, London.*

Copy of Benjamin Pewtrefs and Nathaniel Green's Receipt for the Bank of England.

REceiv'd, *Sept. 5, 1740*, Eleven Chests, In-
fides and Contents unknown,

For the Bank of England,

Benjamin Pewtrefs,
Nathaniel Green.

*Copy of Benjamin Pewtrefs's Receipt for the
Deposit of Eleven Chests of Silver by the Dia-
mond, for the Bank of England.*

I Benjamin Pewtrefs, by virtue of a Letter from Capt. Ch---s Kn--l-s, have received from Messieurs *Blachford and Woodward* Eleven Chests, Contents unknown, which I have deposited in the *Bank of England*, there

to

to remain 'till His Majesty's Pleasure is known;
Witness my Hand this 6th Sept. 1740.

Benjamin Pewtrefs.

N. B. 11 Chests mark'd D, Seal'd
with 3 Seals and bound with
an Iron-Hoop.

*Copy of the Commissioners and the Agents for the
Captors Representation to His Majesty.*

September 27, 1745.

To the King's most Excellent Majesty.

*The humble Representation of the Commissioners
for distributing the Moiety of the Prizes
taken from the Spaniards during the Time of
Reprizals, and of Arthur Dobbins and James
Henshaw, Agents to the Captain, Officers,
and Company of Your Majesty's Ship the
Diamond, who were on Board at the taking
of two Spanish Prizes called the Guardeloupe
and Nuestra Senora de los Dolores, on the
17th of September, and the 3d of October
1739.*

Most Humbly Sheweth,

THAT the said Prizes were taken in the
West-Indies in the Time that Reprizals
were made upon the Ships of *Spain* by Your
Majesty's

Majesty's Authority; and the following Quantity of Silver, being part of the Produce of them, was sent home from *Jamaica* in the *Diamond* Man of War, Captain *Ch---s Kn--l-s* Commander, to be by him delivered, Freight free, agreeable to the Bill of Lading signed by him, and to be disposed of as Your Majesty should think fit. That is to say, Fifty small Bags of coined Silver, weighing 41886 Ounces; Fifteen Bags containing 14912 Pieces of Eight; part of which, namely 35990 Ounces and half of Silver is lodged in the *Bank*. The Remainder has not been delivered by the said Captain *Ch---s Kn--l-s* conformable to his Bill of Lading.

Your Majesty having by a Declaration of Your Lords Justices, Dated the 18th of *June* 1741, been graciously pleased to direct that one Moiety of the Produce of all Prizes taken in the Time of Reprizals (which was between the 10th of *July* and the 19th of *October* 1739) should be paid to the Sufferers by *Spanish* Depredations, and the other Moiety thereof to the Captors of such Prizes.

Your Petitioners most humbly beseech Your Majesty to grant an Order to the Governor and Company of the Bank of England to deliver to the said Commissioners a Moiety of the 35990 and half Ounces of Silver now in their Possession, and the other Moiety to the said Agents: And also to order Captain Ch---s Kn--l-s to account to the said

said Commissioners and the said Agents for that Part of the said Silver which was not deposited in the Bank.

In Answer to which Memorial, His Majesty was pleased on the 30th of *September*, 1745, to order the *Bank* to deliver the Silver according to the Prayer in the said Petition: And likewise to order and direct Captain *Ch---s Kn--l-s* to account to and with the Commissioners and Agents for that Part of the Silver which was not deposited in the *Bank of England*, agreeable to his Bill of Lading.

Copy of Joseph Sedgwick's Letter to Arthur Dobbins and James Henshaw.

S I R S,

YOU having received a Copy of His Majesty's Warrant, Dated the 30th Day of *September* 1745, in the Nineteenth Year of His Majesty's Reign, Directed to the Governor and Company of the *Bank of England*, to deliver that part of the Silver by the *Diamond* which is now in their Possession: And to Captain *Ch---s Kn--l-s*, to account for that part of the said Silver which was not deposited in the *Bank of England*, agreeable to his Bill of Lading: I am, by Order of the Commissioners, to give you Notice, as being Agents to the said Captain *Ch---s Kn--l-s*, that they,

the

the said Commissioners, by virtue of his Majesty's Commission, require your Attendance on *Friday* next, the *18th* Instant, at Eleven in the Forenoon, at their Office in *Aldermary Church-yard*, to settle and account with them, pursuant to His Majesty's said Order, for the Moiety of that part of the Silver by the *Diamond*, which was not deposited in the *Bank of England* by Captain *Ch---s Kn--l-s* agreeable to his Bill of Lading.

I am, &c.

Office for Claims,
October 11, 1745.

Mr. Arthur Dobbins, and
Mr. James Henshaw.

Copy of Arthur Dobbins and James Henshaw's
Letter to Joseph Sedgwick.

S I R,

WE received your Letter of the *11th*, but as Captain *Kn--l-s* is now at *Bath*, we cannot settle the Account with the Commissioners until he returns or sends us proper Materials for that Purpose, but we have sent your Letter to him and have recommended the Dispatch of the Affair, and will acquaint you with his Answer for the Information of the Commissioners. We are,

S I R,

Your most humble Servants,

Tower-hill,
October 16, 1745.

Arthur Dobbins,
James Henshaw.

*Copy of Captain Ch----s Kn--l-s's Letter to
Joseph Sedgwick.*

Bath, October 24, 1745.

S I R,

I Received your Letter from Mr. *Thomas*'
with His Majesty's Order for my account-
ing with the Commissioners for Claims, for
the Remainder of the Prize-Mony brought
home in the *Diamond*.

I beg you'd present my Respects to the
Commissioners, and let them know that I am
sorry my Indisposition prevents my attending
them at present, but I hope to be able to
come to Town in a Week or ten Days, when
I will wait on them and pay in whatever is
due. As to the Time of their Commission
being expired, I hope they have that Opinion
of me as not to think me capable of reaping
any Advantage from that, for besides the
Regard I must and do pay to His Majesty's
Order, I shall ever comply with my Word,
from my own natural Inclinations to Justice.
I am,

S I R,

Your most humble Servant,

Ch----s Kn--l-s.

B

Copy

Copy of Joseph Sedgwick's Letter to James Henshaw.

S I R,

IN Expectation of seeing Captain *Ch----s Kn--l-s* the Commissioners have appointed to meet on *Wednesday* next, the 20th Instant, at Ten in the Forenoon, which they desire you will let the said Captain *Kn--l-s* know, and that they hope he will then be ready to settle and pay them the Moiety of the Amount of the Silver not deposited in the *Bank* of *England* conformable to his Bill of Loading.

I am, &c.

Office for Claims,
November 15, 1745.

Copy of James Henshaw's Letter to Joseph Sedgwick.

S I R,

CAPTAIN *Kn--l-s* being desired to attend the Court-Martial at *Deptford*, from which he cannot be absent before next *Saturday*, you had best acquaint the Commissioners with it; and that I will communicate to him the Letter I have received from
you,

you, in order to his appointing a stated Time to give them Satisfaction. I am,

S I R,

Tower-bill,
November 18, 1745.

Your most humble Servant,
James Henshaw.

Copy of Joseph Sedgwick's Letter to James Henshaw.

S I R,

IN Answer to your Letter of the 18th Instant, I am to acquaint you that as the Time for making the Distribution to the suffering Merchants will not now admit of any further Delays, the Commissioners are determined to renew their Application to His Majesty, by waiting on him with a Memorial in regard to the Deficiency of the Silver by the *Diamond*, if Captain *Kn--l-s* does not think fit to appoint a Day betwixt this and *Tuesday* next to make an End of that Affair. To which purpose I am now preparing a proper Representation to be laid before His Majesty, with the Vouchers thereto relating: This you'll please to communicate to Captain *Cb---s Kn--l-s*, and let him know that the Commissioners have appointed to meet on *Tuesday* next, the 26th Instant, at Ten in the Forenoon precisely.

I am, &c.

Office for Claims,
November 22, 1745.

B 2

Copy

Copy of Captain Ch----s Kn--l-s's Letter to the Commissioners.

Gentlemen,

I Here inclose to you the Account of the Money brought home by me in the *Diamond*, which I should have sent to you before, had not my Indisposition, and the close Attendance I am obliged to give to the Court-Martial, prevented me. To the best of my Knowledge the Account is right, but if there should be any Oversight or Omission on either part of it, I shall very readily rectify it. I am,

Gentlemen, .

Your most obedient Servant,

Deptford,
November 26, 1745.

Ch-----s Kn--l-s.

Ch-----s Kn--l-s Esq; Debtor.

Ounces.

To 50 Bags of Silver brought from <i>Jamaica</i> in His Majesty's Ship <i>Diamond</i> , being part of the Produce of the Prizes <i>N. S. de Dolores</i> , and <i>N. S. de Guardalupe</i> , taken by that Ship, containing	41886
To 15 <i>Ditto</i> . containing 14912 Pieces of Eight, which computed at 886 Ounces <i>per</i> 1000, is	12911

54797

A

Ounces.

A Moiety of which due to the Commissioners for the Sufferers by
Spanish Depredations, is 27398½
 Abate Freight, at 2½ per Cent. 735

26663½

Of which received by them from the
 Bank 17995½

Remains due 8668oz.

The Commissioners are Debtors 22l. 7s. 3d.
 being one half of the Expence of Waggons
 and other Charges in bringing the Mony to
 London.

November 26, 1745.

Errors excepted, Ch----s Kn--l-s.

Copy of Joseph Sedgwick's Letter to Captain
 Ch----s Kn--l-s.

S I R,

THE Commissioners for distributing the
 Moiety of the Prizes taken from the
Spaniards, have received your Letter of the
 26th Instant, accompanying an Account of
 Silver brought home by you in His Majesty's
 Ship the *Diamond*. In Answer whereto, I
 am, by Order of the said Commissioners, to
 acquaint you with their Objections to the

said Account. In the first place, the Weight of the 14912 Pieces of Eight you have set down by Computation only; whereas you having sold them, can doubtless render the Commissioners an Account of the real Weight, which they insist on having. Secondly, that Weight (whatever it is) they expect you to make good to them one half thereof, at 5s. 6d. *per Ounce*, which is the Price you sold them at: And likewise that you account to them at the same Price for half of the 5895½ Ounces wanting in the small Silver, you having also sold them so. Thirdly, as to Freight you are entitled to none by your Bill of Lading, nor will they allow of any. The Moiety of the Charges in bringing the Mony to *London* is what, 'tis likely, they will have no Objection to when you furnish them with the Particulars. In this Conformity they are ready to settle with you, and desire it may be some Day betwixt this and *Tuesday* next, the Third of *December*, on failure whereof they are determined immediately to apply to His Majesty, to know his further Pleasure relating thereto. I am,

S I R,

Your most, &c.

Office for Claims,
Aldermay Church-yard,
November 27, 1745.

*Copy of the Representation of the Commissioners
for distributing the Moiety of the Prizes.*

December 3, 1745.

To the King's most Excellent Majesty.

*The humble Representation of the Commissioners
for distributing the Moiety of the Prizes
taken from the Spaniards by your Majesty's
Ships during the time of Reprizals.*

Most humbly sheweth,

THAT Captain *Cb--s Kn--l-s*, in your Majesty's Ship the *Diamond*, having taken two Prizes in the *West-Indies*, called the *Guardaloupe* and the *Nuestra Senora de los Dolores*, the following Quantity of Silver being part of their Produce, that is to say, Fifty Bags of small coined Silver, weighing Forty-one Thousand, Eight Hundred and Eighty-six Ounces, and Fifteen Bags containing Fourteen Thousand Nine Hundred and Twelve Pieces of Eight was ship'd at *Jamaica* by Messieurs *Merewether*, *Manning* and *Tickell* Agents for the Sale of the said Prizes on your Majesty's said Ship the *Diamond* commanded by the said Captain *Cb--s Kn--l-s*, and was to be delivered by him to the Governor and Company of the *Bank of England* Freight-free.

That on his, the said Captain *Cb. Kn--l-s's*, Arrival in *England*, he refused to deliver the said Silver without detaining a Part, for what he said was the Officers share of the said

Prizes, and likewise for the Freight of the said Silver; notwithstanding the Officers Proportion of the said Prizes was already reserved in the Hands of the Agents at *Jamaica*; and that being your Majesty's Mony, and sent home by your Majesty's Ship, he had signed a Bill of Lading at *Jamaica* to deliver the same Freight-free.

That on or about the Month of *August* 1740, the said Captain *Cb--s Kn--l-s* did take and convert to his own Use all the Pieces of Eight before-mentioned, and a Part of the small Silver; both which he sold (as the Commissioners are informed and have Reason to believe) at Five Shillings and Six-pence *per* Ounce; and the Remainder, being Thirty-five Thousand, Nine Hundred and Ninety Ounces and a half of small Coin, he deposited in the *Bank of England*; which said Remainder, on the joint Representation to your Majesty of the Commissioners, and of *Arthur Dobbins* and *James Henshaw* Agents for the Captors, in *September* last, your Majesty was graciously pleased by a Warrant dated the 30th Day of the said Month to order to be delivered, the one Moiety to the Commissioners, and the other Moiety to the Agents for the Captors, which has been delivered pursuant thereto.

That your Majesty was graciously pleased at the same time to order the said Captain *Cb--s Kn--l-s* to account to and with the Commissioners and the said Agents for that Part
of

of the Silver which was not deposited in the *Bank of England*, agreeable to his said Bill of Loading.

That the Commissioners caused an authentick Copy of your Majesty's said Warrant to be delivered to the said Captain *Cb-s Kn--l-s*, but could obtain no Account from him till the 26th of *November* last; in which Account he charges the Freight of the Silver: And the said Account being in other Particulars erroneous, the Commissioners by a Letter apprized him of their Objections to the said Account, and appointed a Time for his giving an Answer thereto; but the said Captain *Cb-s Kn--l-s*, after having read the said Letter, told the Messenger, he should give it no Answer.

That the said Captain *Cb-s Kn--l-s* (as the Commissioners have been informed) having publicly declared, That if he had imagined your Majesty would have given any Part of the said Prizes away from the Captors, he would have distributed the whole himself; and having likewise declared that notwithstanding your Majesty has been graciously pleased to give the Moiety to the suffering Merchants, he has been advised that the Captors have still a Right to the whole of the said Prizes: The Commissioners apprehend that the said Captain *Cb-s Kn--l-s* has no Design of rendering them any other Account than that erroneous one before-mentioned; or of paying them the Moiety of the Amount
of

of what he sold the Silver for, which he detained and converted to his own Use as aforesaid; but that taking advantage of the approaching Expiration of your Majesty's Commission, which terminates the 4th Day of *February* next, he may thereby deprive your Majesty's suffering Subjects of a very large Part of what your Majesty out of your Royal Bounty and Goodness has most graciously been pleased to grant them, towards the Losses they have sustained by the unjust Captures and Depredations of the *Spaniards*; and has likewise, by his not complying with his Bill of Loading as aforesaid, not only retarded the Commissioners in the Execution of your Majesty's Commission, but has been the Occasion of very great Expences; which, unless he the said Captain *Ch-s Kn--l-s* is obliged to make good, will be so much to the Detriment of the said suffering Merchants.

The Commissioners further beg leave to represent to your Majesty, that by the Accounts they have received from the Agents for the Sale of the two Prizes called the *Guardaloupe* and the *Nuestra Senora de los Dolores* at *Jamaica*, they find that the said Agents have accounted to *Arthur Dobbins* and *James Henshaw*, Agents for the Captors, for the Sum of Two Hundred and Sixty-nine Pounds, Fourteen Shillings and Ten-pence Farthing, *Jamaica* Currency, over and above the Moiety of the neat Produce of the said Prizes; and that they, the Commissioners,
have

have received so much less than the Moiety thereof. And having laid a State of the said Account before the said *James Henshaw* one of the Agents for the Captors, he promised to settle and pay to the Commissioners, before any Dividend was made to the Captors, the said Sum of Two Hundred and Sixty-nine Pounds, fourteen Shillings and Ten-pence Farthing, *Jamaica* Currency, out of the Produce of the Moiety of the Silver then in the *Bank*, and which has since been delivered to them, pursuant to your Majesty's Warrant herein before-mentioned. But the said *James Henshaw* having been summoned, by Virtue of your Majesty's Commission, to attend the Commissioners, in order to settle the said Account and pay them the Difference before-mentioned, he refuses to comply therewith.

The Commissioners likewise beg leave to represent to your Majesty, that having received Intelligence that the Honourable *F- R- H- L---*, Commander of your Majesty's Ship the *E----b*, had detained in his Hands the Sum of One Thousand and Twenty-one Pounds, Thirteen Shillings, being Part of the Produce of the Saint *Jago* Prize, They wrote a Letter to the said Captain *L---*, who was then at *Portsmouth*, requiring him to pay them the Moiety of the said Sum, being Five Hundred and Ten Pounds, Sixteen Shillings and Sixpence; and they likewise requested the Lords Commissioners of the Admiralty to forward a Copy of their Letter
to

to the said Captain *L---* under their Lordships Cover, which they were pleased to comply with: But the said Captain *L---* being soon after ordered to the *West-Indies*, went away without paying them the Sum aforesaid, or taking any notice of their said Letter.

That the Commissioners thereupon apply'd to the Honourable *R- L--*, being Attorney to his Brother the said Captain *L--*, for Payment of the aforesaid Sum of Five Hundred and Ten Pounds, Sixteen Shillings and Sixpence, who acknowledged the Debt, and promised from time to time to pay the same for his Brother's Account: But on the 29th of last Month he gave the Commissioners to understand, that having been disappointed of the Mony he expected, he cannot raise a sufficient Sum for that Purpose; and the said Captain *L--* being still in the *West-Indies*, and not likely to return to *England* till after the Expiration of your Majesty's Commission, the suffering Merchants will be deprived of that Part of your Majesty's Bounty.

These Delays and Evasions, in Contempt of your Majesty's Authority, have entirely stop'd the Proceedings of the Commissioners in the Execution of your Majesty's Commission; and as the Time limited for distributing the Mony is so very near expiring, the suffering Merchants will not only lose their Share of these Deficiencies, but also be hindered of the Division of the Mony now in the Commissioners Hands, unless an immediate

diate
Royal

Th
your
take
ration
fectu
to ac
Silver
them
Price
ther
pay
Exp
not
that
plea
deta
H-
oblig
Com
Maj
said
to t
Roy

mediate Obedience be enforced to your Majesty's Royal Commands.

The Commissioners therefore humbly beg your Majesty will be graciously pleased to take the Premises into your Royal Consideration, and grant such an Order as may effectually oblige the said Captain *Ch-s Kn--l-s* to account with them for the Moiety of the Silver sold by him as aforesaid, and to pay them the Amount thereof, according to the Price he received for the same, without further delay; as likewise to make good and pay the said Commissioners the extraordinary Expences that have been occasioned by his not complying with his Bill of Loading. And that your Majesty will likewise be graciously pleased to give Orders relating to the Money detained in the Hands of the said Captain *H- F- R- L---* and *James Henshaw*, as may oblige them respectively to account to the Commissioners for the same. Or that your Majesty will be pleased to give them, the said Commissioners, such Instructions relating to the Premises, as to your Majesty in your Royal Wisdom shall seem meet.

Copy

Copy of Captain Kn--l-s's Answer to the Commissioners Representation.

December 10, 1745

To the King's most Excellent Majesty.

The Answer of Captain Ch-s Kn--l-s to the Representation of the Commissioners, for Claims relating to his detention of Part of the Prize-Mony brought home by him from Jamaica, in your Majesty's Ship Diamond.

Most humbly sheweth,

THAT upon his Arrival in *England* in your Majesty's Ship *Diamond*, he was immediately ordered out again in the *Weymouth*, to go upon the Expedition with Lord *Cathcart* to the *West-Indies*; and that receiving no Pay for that Ship, he presumed upon taking a Captain's Share out of the Prize-Mony he brought home, (to equip himself for his Voyage) not then knowing your Majesty's Intentions of disposing of any Part thereof but to the Captors, until he was informed of the same sometime after, by their Excellencies the Lords Justices, (then sitting) to whom he pleaded his Necessity for such his Proceedings. And their Excellencies judging him to be a useful Person in the said Expedition seemed to be satisfy'd therewith, and only directed him to keep an Account of what he made use of, which he has faithfully done:

The

The whole Amount to Four Thousand, Six Hundred and Sixty-six Pounds.

That as to refusing to deliver any of the said Silver, or to account with the said Commissioners, as also his detaining any Officers Parts, or other Persons than his own, are Charges absolutely false; for soon after his Arrival in *England* (in *July* last) he, with the Agents for the Captors, went to the Office of the said Commissioners in order to account with them, but they were not sitting, and soon after he was taken ill, and obliged to go to *Bath*. At *Bath* he received a Letter from the said Commissioners, and a Copy of your Majesty's Warrant, directing his accounting with them for a Moiety of the said Prize-Mony: To which he paid all due Obedience, and answered their Letter in the most satisfactory Manner he could.

Upon his return to Town, he appointed the Agents (agreeable to his Promise) to attend the said Commissioners and render them a just Account, which he was prevented doing by being ordered, by the Lords Commissioners of the Admiralty, upon the Court-Martial for enquiring into the Misconduct of the Action in the *Mediterranean*. Whilst he was sitting there, he received a most extraordinary rude and impertinent Letter from the said Commissioners, in Answer to the Account which he had sent them, which Letter he did not answer (being a Stranger to such Language as it claimed in return) but deferred saying any thing

thing till he could be spared from the Court-Martial to attend the said Commissioners. This is the solid Truth of the Case, and which he dares not deviate from.

He is ready and willing to pay the said Commissioners in the direct Specie the Quantity he made use of, in pursuance of your Majesty's Pleasure, but hopes he shall be allowed Freight for the said Mony agreeable to the Practice of the Navy; and more especially as one of the Commissioners informed him, That your Majesty's Bounty more than exceeded the Losses of the Merchants, and that they were in hopes the Surplus would be apply'd back to the Sufferers in the Year 1719.

He regrets extreamly this unreasonable Trespass, and hopes this Misrepresentation will not lessen him in your Majesty's Opinion, and submits as a Testimony for what he says, and a Justification of his Character, to his Letter from *Bath* to the said Commissioners, the Postage of which, with one or two other Letters more to him, is all the Charges the said Commissioners were ever put to upon his Account.

*Copy of the Commissioners Replication to Captain
Kn--l-s's Answer, December 13, 1745.*

To the Lords of his Majesty's most Honourable
Privy-Council.

The Replication of the Commissioners for distributing the Moiety of the Prizes taken from the Spaniards by his Majesty's Ships during the Time of Reprizals, to the Answer of Captain Ch-s Kn--l-s in Relation to his Detention of Part of the Prize-Money brought Home by him from Jamaica in his Majesty's Ship the Diamond.

May it please your Lordships,

THE Commissioners return your Lordships their most humble Thanks for your having been pleased to order a Copy of Captain K--l-s's Answer to be so early transmitted to them. But the said Answer being so very evasive and insufficient, they find themselves under a Necessity of giving your Lordships this further Trouble to state their Objections thereto.

The Commissioners beg leave to observe to your Lordships, that this is the first Time they ever heard, that the said Captain K--l-s pretended any Authority for the Detention of any Part of the Silver brought Home by him in the *Diamond*: And as the Directions he now alledges, are, in direct Contradiction to his own

Bill of Loading to deliver the said Silver to the Governor and Company of the *Bank of England* Freight-free; the Commissioners beg leave to suspend their belief thereof, till the said Captain *Kn--l-s* produces those Directions. Were it true that Captain *Kn--l-s* had only detained what he calls a Captain's Share, that would in no wise justify his Detention of the Silver: Since no Officer was intitled to any Part, but in consequence of his Majesty's Bounty, as signified by the Declaration of their Excellencies the Lords Justices in *June 1741*, which was a Year after he ought to have delivered it to the *Bank of England*.

The said Captain *Kn--l-s* in his Answer sets forth, that he is ready and willing to pay the Commissioners in the direct specie the Quantity he made use of. But the Commissioners humbly apprehend, that the suffering Merchants have an undoubted Right to a Moiety of what Captain *Kn--l-s* sold the deficient Silver for; which Moiety amounts to the Sum of Two thousand five hundred and eighty six Pounds five Shillings and five Pence: In as much as the said Sufferers would have been subject to the Loss, which might and must have happened, if Captain *Kn--l-s* by Death or otherwise had become insufficient to repay the same. As to Captain *Kn--l-s*'s Expectations of his Majesty's permitting him to receive Freight for the Silver according to the Practice of the Navy: The Commissioners observe, that his Majesty hav-

ing

ing been graciously pleased to give the Moiety of that Silver in the Condition it then was to the suffering Merchants, and it being then not subject to pay any Freight, as will appear by the Bill of Loading signed by Captain *Kn--l-s* himself; the Commissioners therefore most humbly conceive, that his Majesty will not alter his former most gracious Appointment, especially, as it is not the Practice of the Navy for the King's Mony to pay Freight.

The Commissioners admit, that they received a Letter from the said Captain *Kn--l-s* dated *Bath* the 24th of *October* 1745, where-in he promised to pay whatever was due. But notwithstanding such Promise, he did not let the Commissioners hear from him 'till the 26th of *November* following: And that not till after repeated Applications to his Agent in Town. On the 26th of *November* the Commissioners received an Account from the said Captain *Kn--l-s*, which they finding to be erroneous, ordered their Secretary to write a Letter to the said Captain *Kn--l-s*.* A Copy whereof they beg leave to annex hereto in order to obviate the Calumny which the said Captain *Kn--l-s*, in his Answer to the Commissioners Representation, would endeavour to fix thereon: And they must beg to submit it to your Lordships Judgment, whether any Persons who have the Honour to act under his Ma-

* *Vide* Letter from *Jos. Sedgwick*, dated *Nov. 27, 1745*.

jeſty's Commiſſion are to be thus unjuſtly reflected on and inſulted for having done no more than their Duty, in endeavouring, as far as in them lay, to execute faithfully the Truſt his Majeſty has been pleaſed to reſt in them; And which Treatment they hope your Lordſhips will repreſent to his moſt ſacred Majeſty: whoſe Royal Authority, even in the Diſpoſal of his own Property, the ſaid Captain *Kn--l-s* has preſum'd to call in Queſtion.

If there is any material Part of the ſaid Captain *Kn--l-s*'s Answer, which the Commiſſioners have not now replied to; they beg they may be at Liberty to do it before your Lordſhips: And they are ready to make good every Article of their Representation whenever your Lordſhips ſhall be pleaſed to appoint them to attend; which they humbly intreat may be as ſoon as conveniently your Lordſhips can, by Reaſon his Majeſty's Commiſſion expires the fourth Day of *February* next: And the Commiſſioners cannot proceed to make the Diſtribution to the Sufferers, till this Deficiency is made good, and paid to them by the ſaid Captain *Kn--l-s* as aforeſaid. We are,

May it pleaſe your Lordſhips,

Your Lordſhips

Moſt Obedient and

Moſt Humble Servants.

*Copy of the Commissioners Memorial to the
Lords of the Council, Jan. 3, 1745.*

To the Lords of his Majesty's most Honourable
Privy-Council.

The Memorial of the Commissioners for distributing the Moiety of Prizes taken from the Spaniards by his Majesty's Ships during the Time of Reprizals.

May it please your Lordships,

THE Commissioners are greatly concerned at the Necessity they find themselves under of giving this repeated Trouble to your Lordships on the Subject of their Representation to his Majesty against Captain *Ch-s Kn--l-s*, which was referred to your Lordships. But as a true Knowledge of Captain *Kn--l-s* Conduct to the Commissioners is necessary, not only to furnish your Lordships with the Materials for making a Report to his Majesty, but also for our Justification, we presume on your Lordships Patience to acquaint you therewith.

Captain *Kn--l-s* admitted before your Lordships what we formerly proved: That he had obliged himself by signing a Bill of Lading, to deliver to the *Bank* the Silver brought

home by him in his Majesty's Ship the *Diamond* Freight-free, for his Majesty's Use; that he had not the least Authority for making use of any Part of the Mony which he retained and applied to his own Use: That he had actually raised the Mony we demanded of him, by the Sale of the Silver in *London*, even before he began to treat with the Officers of the *Bank* for delivering it at *Portsmouth*: That he had received his Majesty's positive Commands, dated so long since as the 30th of *September* last, to account for the Silver agreeable to his Bill of Lading. Lastly he promised, that the Sum we demanded being 2579*l.* 15*s.* should be paid the Commissioners immediately, subject to a future Return of so much as Admiral *V--rn-n* should think he was intitled to for Freight. In Consideration of this Engagement, and in Hopes of Captain *Kn--l-s*'s Punctuality, your Lordships deferred your Decision; but so it is, that neither his Majesty's Command, nor his own Promises, could induce Captain *Kn--l-s* to comply with your Lordship's Request and his own Obligation and Duty.

After many Altercations and Refusals of Captain *Kn--l-s*'s Agent, Mr. *James Henshaw*, to pay the Mony due to the Commission, we desired Mr. *Henshaw* to pay us what he would, that the Merchants might not wholly lose their Right: And he has now paid us the Sum of 2380*l.* 8*s.* 8*d.* The Difference arises from

from his deducting, not only for the Freight, but also for his Charges of bringing it to *London*. This latter is, and ought always to be paid by those who receive Freight. If he was intitled to one, he cannot be to the other, especially as a great Expence has fallen on the Commission by being subject to pay the Moiey of the Charge the *Bank* were at in sending down to *Portsmouth*, and keeping their Servants there a long time by Captain *Kn--l-s*'s Desire and Means. And that your Lordships may be fully apprized how injuriously the Merchants have suffered by this Detention of Captain *Kn--l-s*, we beg leave to subjoin the Account at the foot hereof, of the Losses and Expences attending this Matter: Whereby it will evidently appear to your Lordships, that the Difference to the suffering Merchants occasioned by Captain *Kn--l-s*'s unwarranted Procedure, is 707 *l.* 11 *s.* 8 *d.*

Your Lordships known Justice, and Regard for the Support of his Majesty's Authority, leave us no room to doubt, but your Lordships will make such a Report to his Majesty of Captain *Kn--l-s*'s Conduct and Behaviour, as will bring him in a legal way to an Account; but as the Time, necessary for carrying on such a Prosecution, would inevitably have precluded the suffering Merchants from the Benefit of what would be recovered thereby; and any further Delays will prevent the Division of that Mony among them, which we the Com-

missioners have already the Possession of: We therefore beg leave to inform your Lordships, that we are now proceeding to the Distribution. And as the publick Trust his Majesty has reposed in us, requires a publick Discharge and Justification, we presume to refer our selves to your Lordships Minutes for Proof of our Conduct: And we most humbly intreat your Lordships, that you will be pleased to represent us to his Majesty, as having endeavoured to recover the Mony for the suffering Merchants whose Right it is; and to have brought Captain *Kn--l-s* to Account as he ought. In doing which, we hope, we have behaved as just Trustees to the Merchants, and as dutiful and faithful Subjects to his Majesty.

The Account referred to in the foregoing Memorial.

41886 Ounces of small *Spanish* Coin.
 12913 $\frac{4}{3}$ Ounces being the computed Weight
 of 14912 Pieces of Eight at 866 Ounces
per 1000 Pieces of Eight is, in
 the whole ————— 54799 $\frac{3}{4}$
 Ounces; being what ought to have been delivered by Captain *Kn--l-s*, according to his Bill of Loading which being calculated at 5*s.* 6*d.* *per* Ounce according to the Price that Captain *Kn--l-s* himself sold that Part of it which he detained (tho' it has during the Interval been as high as 5*s.* 8*d.* *per* Ounce) The whole Amount would have been
 15,069

15,069 *l.* 18 *s.* 7 *d.* $\frac{1}{2}$. The Moiety whereof be-
 longing to the suffering Mer- *l.* *s.* *d.*
 chants is, ——— 7,534 19 3,

Out of which is to be de-
 ducted Captain Kn--l-s's }
 Charges of bringing the Mo- } 00022 07 3
 ny to Town, ———

—————
 7,512 12 0 $\frac{3}{4}$
 —————

The Commissioners have received only as follows,

17,995 $\frac{1}{4}$ Ounces of Silver deposited in the } *l.* *s.* *d.*
Bank, and sold at 5 *s.* *per* Ounce ——— } 4,498 16 03
 Receiv'd of Captain Kn--l s, 2,380 *l.* 8 *s.* 8 *d.*

Out of which is
 to be deducted
 the Moiety of
 the Charges to } 30 *l.* 2 *s.* 7 *d.*
 the Officers at
 the *Bank* going
 to *Portsmouth*.

Charges and
 Fees in sundry } 44 *l.* 2 *s.* 0 *d.*
 Applications and
 Sollicitations to
 bring him to an
 Account.

74 *l.* 4 *s.* 7 *d.* 2,306 04 1
 —————
 6,805 00 4

The Difference to the Prejudice of the Suf- }
 fering Merchants. ——— ——— ——— } 707 11 08 $\frac{3}{4}$

—————
 7,512 12 00 $\frac{3}{4}$

Copy

*Copy of a Letter from Admiral V--rn--n to
W-- Sh--rp, Esq;*

SIR,

BY your Letter dated the 19th of *December* from the Council-Office, I receiv'd in the *Downs* Intimation from the Lords of his Majesty's Council, to whom it was by his Majesty referred, to adjust the Disputes that have arisen between the Commissioners for distributing the Moiety of the Prize-Mony amongst the suffering Merchants and Captain *Ck-s Kn-l-s*, relating to the Silver brought over by him from *Jamaica*; that all Points in dispute being adjusted and agreed between the contending Parties, there remained but one unadjusted, *viz.* The Demand made by Captain *Kn-l-s* of Freight for that Moiety of the Mony which is to be distributed among the suffering Merchants, and that being by the Parties proposed to be referred to me for my Opinion and Determination, it was their Lordships Desire I should consider the Point so referred, and return to you with all convenient Speed my Opinion, whether Captain *Kn-l-s* ought to be allowed Freight for bringing the Moiety of the said Silver over from *Jamaica*; and you having at the same time transmitted to me, by their Lordships Direction, an Account of what was offered before them on each Side of the Question relating

lating to that Point, together with a Copy of Captain *Kn-l-s's* Bill of Lading :

I, from a Zeal to obey their Lordships Orders by contributing as much as was in my Power to reconcile the Parties, immediately (notwithstanding the Sense I have of my own Insufficiency for such an Undertaking) set about the Work enjoined me, but soon found it out of my Power, from the want of my Books and Papers left in *London*, or Leisure to recollect my Thoughts, in the Hurry of Business arising from the important Service I was then engaged in : But at my Return hither, my first Care was to have recourse to my Books of Orders and of Letters for the Time when these Matters were transacted ; and I have annexed Copies of two Orders to the Agents of the Captors, of the 27th of *October* 1739, and 30th of *May* 1740, and an Extract of my Letter to the Secretary of the Admiralty, they being relative to the Matter in Dispute, and proper to shew upon what Foundation I proceed to that Determination I am call'd upon to make ; and having duly considered the Allegations from both Sides, in the Paper transmitted to me by their Lordships Order, I must allow that Captain *Kn-l-s's* Defence against a Bill of Lading sign'd by himself, taken from an Apprehension then generally received, that the whole of the Silver would have been distributed to the Captors, from whom I did not think it reasonable

sonable he should take Freight, has this Truth in it, that the contrary did not appear, his Majesty's gracious Intention of giving one Moiety to the suffering Merchants not being then known in *Jamaica*.

And tho' I believe such a Plea against a Man's own Act would not be admitted in a Court of Law, it might possibly be otherwise in a Court of Equity, where the Equitable Circumstances are considered.

In relation to the Practice of taking Freight for Money ship'd on his Majesty's Men of War, asserted of one side, and denied on the other—It is to be observed, that whoever signs a Bill of Lading obliges himself to deliver the Contents of it in Safety, and makes himself liable to make good what may be wanting (Danger of the Seas only excepted) for which it cannot be thought unreasonable, that some Consideration should be allowed; and it is not to be presumed, that the Merchants, who allow this to their own Ship-Captains, will grudge it to Captains of Men of War so often employed in Defence of their Trade.

And upon this Occasion I cannot help noting, that of all the Officers in his Majesty's Service, Civil or Military, none are more destitute of Advantages arising from Perquisites, than the Commission-Officers of the Navy, and were it not from the Captures taken from his Majesty's Enemies in
Time

Time of War, which may fall to the Lot of some few, the far greatest Part of them must and do live and die in very narrow Circumstances.

Having thus considered the Allegations on both sides, my Determination will be, that to reconcile these Differences I think it reasonable to make the following Determination; to wit, That the Commissioners for distributing the Moiety of the Prize-Mony to the suffering Merchants, shall pay to Captain *Kn--l-s* for Freight of the said Moiety, brought over by him from *Jamaica* in his Majesty's Ship *Diamond*, one half only of what he demands. And as I, as Commander in Chief, was and am entitled to one Third Part of the said Captain *Kn---l-s's* Freight, I do hereby renounce in favour of the suffering Merchants, in Imitation of my gracious Master's charitable Disposition towards them, my Third of the said Freight, whereby Captain *Kn--l-s's* Demand will be reduced to one Third Part of the Sum demanded for Freight of the Mony belonging to the suffering Merchants. I am,

S I R,

Your most humble Servant,

London,
January 11, 1745.

E. V-rn-n.

Copy

*Copy of a Letter from Captain Ch----s Kn--l-s
to W. Sh-rp, Esq;*

Tilbury in the Downs, January 21, 1745.

S I R,

I Have received your Favour with Admiral *V-rn-n*'s Letter of Determination, as he is pleased to call it, which I am so far from thinking Definitive, that I apprehend it don't at all relate to the Question ask'd him. The Lords of the Council were pleased to propose to me the accèpting of half Freight, which I excused myself from doing, and I cannot offer to accept a Decision from Admiral *V-rn-n* which I declined from the Lords, without a manifest Affront, which I dare not think of.

If I remember, Mr. *V-rn-n* was ask'd whether he thought I had a Right to any Freight at all, not how much I ought to have, and tho' he is willing to dispose of his own Part in the charitable Manner he expressees, yet I am not willing he should dispose of mine by the Reduction of half; and therefore beg leave to submit to the Determination of their Lordships, which I shall chearfully comply with, and am sorry to give them so much Trouble. I am,

S I R,

Your most obedient humble Servant,

Ch----s Kn--l-s.

Copy of the Commissioners Representation to the Lords of the Council,
Feb. 4, 1745.

*To the Lords of His Majesty's most Honourable
Privy-Council.*

The Representation of the Commissioners for distributing the Moiety of the Prizes taken from the Spaniards by His Majesty's Ships, during the Time of Reprizals.

May it please your Lordships,

WE presented to your Lordships our last Memorial the Beginning of *January*, setting forth the evasive manner in which Captain *Kn--l-s* had deviated from the Promise he made before your Lordships, to pay us the Sum of 2579 *l.* 15 *s.* which we demanded; subject to a future Return of so much as Admiral *V-rn-n* should think he was intitled to for Freight.

The Assurances we had from Captain *Kn--l-s's* Agent, that the Admiral's Determination should be obeyed, induced us to hope that it would have been the last Trouble we should have occasion to give your Lordships on a
Subject

Subject that cannot be less disagreeable to your Lordships, than it has been injurious to the suffering Merchants, and above measure troublesome to us.

We have now received from Mr. *Sb---p* Admiral *V-rn-on*'s Determination, and Captain *Kn--l-s*'s Observations thereon, in a Letter wrote by him to Mr. *Sb--p*, Copies whereof we beg leave to annex hereto, in order to shew your Lordships the Necessity we are under of desiring your Lordships (whose Report to His Majesty we conceive has not yet been made) to represent to the King the Behaviour and Treatment of Captain *Kn--l-s* to His Majesty, your Lordships, and to all others who have had any Concern in this Matter.

After your Lordships conspicuous Goodness and Lenity towards Captain *Kn--l-s*, in condescending (after so manifest a Violation of his Bill of Lading) only to advise him to account with us, in behalf of the suffering Merchants, and in allowing him (after so evident a Disregard to His most Sacred Majesty's Authority) to pass without the least Censure, your Lordships will justly be astonished to find, that his Answer to Admiral *V-rn-n*'s Determination is in direct Opposition of that Agreement on his Part, to which your Lordships not only were Witnesses, but also recommended to him.

Your Lordships, we are persuaded, must now be convinced, that our former Appre-
hensions

henfions of his having no Intention to pay us
 the Moiety of the Value of that Part of the
 Silver by the *Diamond* which he had arbitra-
 rily detained, were but too well grounded:
 And tho' he has been induced by our reiterat-
 ed Applications to His Majesty to make good
 the greatest Part of that Deficiency to the
 Sufferers, yet the Distribution has been great-
 ly lessened by Mr. *Kn--l-s*'s Detention, not
 only in depriving them of what Admiral
V-rn-n has determined in their Favour, but
 by the great Expence we have been put to
 in our Applications, as well as what Mr.
Kn--l-s has detained for bringing the Mony
 up, which as Admiral *V-rn-n* has determined
 he ought to have Freight for, so he ought to
 have paid the Charge of.

We have, in conformity to His Majesty's
 Commission, this Day compleated the Distri-
 bution of such Mony as has come to our
 Hands; but as Capt. *Kn--l-s* will still be in-
 debted to the Sufferers, according to the said
 Determination, in the Sum of 117 *l.* 19 *s.* 10 *d.*
 besides the Charges of bringing the Mony up,
 and our Applications, the first of which he
 made us pay 52 *l.* 9 *s.* 10 *d.* and the latter
 amounts to 44 *l.* 2 *s.* and as his Bill of Lading,
 not having been complied with, remains still
 in full Force against him, we doubt not but
 that your Lordships, from your unquestion-
 able Attachment to Justice, will, in your
 Lordships Report to His Majesty, be of Opini-
 D nion

nion, that he the said Capt. *Kn--l-s* ought to be obliged by Law to make good to his Majesty, for his suffering Subjects, the whole Damages that have been sustained by Captain *Kn--l-s*'s unwarrantable Behaviour.

We have the Honour to be, with all due Deference and Respect,

Your Lordships

most obedient and

most humble Servants.

London, February 4, 1745-6.

F I N I S.

